

**Agenda and Documents
Legislative Committee Meeting
January 19, 2018**

I. Priority Principles for Reviewing Legislation

1. Adequately fund K-12 education.
2. Support dedicated funding and governance reforms for Washington Metrorail, in order to ensure the success of this critical transit system.
3. The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.
4. Restore the funding partnership between the state and localities through adequate state funding.
5. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.

II. Specific Issues

- Update on Governor's Budget

III. Specific Legislation

- County Initiative
- Historical Positions of the Board
- New Bills—2018 General Assembly

IV. Legislation Provided for Discussion

V. Legislation Requiring Further Review

VI. "Watch List"/May Have State Revenue/Policy Implications

VII. Legislation Provided for Information

VIII. Other Items

III. Specific Legislation

County Initiative

HB 517 (Bell, Robert B.) (HCT)/**SB 392** (Barker) (SCT) provides that a petition for the involuntary commitment of a minor shall not be dismissed for failure to immediately serve both parents with a copy of the petition and notice of the hearing if one parent is present at the hearing and the judge determines that a reasonable effort was made to notify the other parent. (18102875D, 18103640D)

Historical Positions of the Board

SUPPORT

HB 642 (Hope) (HCT) provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may instead be published in an online publication. The bill further specifies the requirements for such online publication. Recommend support; Board has historically supported the concept. (18100184D)

HJ 2 (Kory) (HPE)/**HJ 4** (Lopez) (HPE)/**HJ 129** (Robinson) (HPE)/**SJ 4** (Surovell, Wexton, Kory) (SRUL) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Recommend support; Board has historically supported. (18101472D, 18101628D, 18105037D, 18100396D)

SB 242 (Marsden) (SLG) grants immunity from liability in any civil action to park authorities created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.) for damages caused by ordinary negligence on the part of any officer or agent of such park authority in the maintenance or operation of any such park, recreational facility, or playground. Recommend support; Board has historically supported. (18101504D)

SB 827 (Howell) (SCT) increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security. Recommend support; Board has historically supported. (18103979D)

Elections

HJ 113 (Sickles) (HRUL) directs the Joint Legislative Audit and Review Commission to study the streamlining of special elections in the Commonwealth. In conducting its study, JLARC shall (i) review the current laws governing special elections, (ii) evaluate the costs borne in recent years by the localities to conduct special elections as compared to voter turnout at such elections, and (iii) consider options for a cohesive set of laws to govern special elections and for scheduling special elections, including the merits of establishing a uniform schedule. General registrars, members of

local electoral boards, and other election administrators will be invited to participate in the study. Recommend support; Board has historically supported. (18102098D)

Absentee Voting

HB 186 (Hayes) (HPE)/**HB 1134** (Aird) (HPE)/**SB 4** (Ebbin) (SPE)/**SB 164** (Wexton) (SPE)/**SB 277** (Barker) (SPE)/**SB 453** (Mason) (SPE) entitles a person who will be age 65 or older on the day of an election to vote by absentee ballot in that election. Recommend support; Board has historically supported. (18101097D, 18103589D, 18100495D, 18100995D, 18103562D, 18101939D)

HB 1058 (Tran) (HAPP) requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The bill has an expiration date of July 1, 2020. Recommend support concept; Board has historically supported concept. Implementation issues need to be resolved. (18104655D)

SB 559 (DeSteph) (SPE) requires the State Board of Elections to establish and supervise a pilot program for the secure return of voted military-overseas ballots by electronic means from those uniformed-service voters who are members (i) of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who are on active duty or (ii) of the National Guard on activated status and who are deployed outside of the United States. Under the pilot program, those uniformed-service voters shall be permitted to sign the military-overseas ballot application, the statement of voter accompanying the military-overseas ballot, and any other related documents deemed necessary by the State Board to ensure authentication of the voter's identification using his digital signature associated with his military-issued electronic mail account. The State Board is directed to request proposals for the development and maintenance of the system used for the pilot program and to provide instructions, procedures, services, and ongoing security assessments for the entity selected to develop and maintain the system. The provisions of the bill are contingent on funding in a general appropriation act. The bill has an expiration date of July 1, 2020. Recommend support concept; Board has historically supported concept. Implementation issues need to be resolved. (18100152D)

No Excuse Absentee Voting in Person

HB 835 (Bagby) (HPE)/**SB 254** (Dance) (SPE) provides that any registered voter may vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason

for being unable to vote in person on election day. The bill retains the statutory list of reasons allowing a voter to cast an absentee ballot by mail. Recommend support; Board has historically supported. (18102486D, 18102273D)

Health and Human Services

HB 169 (Murphy) (HHWI) extends to July 1, 2023, the sunset of the provision requiring disclosure of certain information to a patient when a Lyme disease test is ordered. Under current law, the disclosure requirement will expire on July 1, 2018. Recommend support; Board has historically supported. (18103474D)

HB 945 (Lopez) (HHWI) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services and is actively engaged in or has completed a substance abuse treatment program. Recommend support; Board has historically supported. (18101638D)

SB 203 (Favola) (SRSS) provides that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance solely because he has been convicted of a first-time felony offense of possession with intent to distribute more than one-half ounce but not more than five pounds of marijuana, provided that he complies with all obligations imposed by the criminal court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. Current law prohibits denial of such benefits only if such persons have been convicted of felony possession of a controlled substance. Recommend support; Board has historically supported. (18102659D)

SB 204 (Favola) (SRSS) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a first-time felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits. Recommend support; Board has historically supported. (18102662D)

Sexual Orientation/Gender Identity

HB 401 (Levine) (HGL) prohibits discrimination in employment, public accommodation, public contracting, apprenticeship programs, housing, banking, and insurance on the basis of sexual orientation or gender identity. The bill codifies existing prohibited discrimination in public employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran and adds discrimination based on sexual orientation or gender identity to the list of unlawful discriminatory

housing practices. The bill contains technical amendments. Recommend support; Board has historically supported. (18101020D)

SB 202 (Ebbin) (SGL) prohibits discrimination in public employment on the basis of sexual orientation or gender identity, as defined in the bill. The bill also codifies for state and local government employment the current prohibitions on discrimination in employment on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or status as a veteran. Recommend support; Board has historically supported. (18100785D)

Fair Housing Law

HB 971 (Guzman) (HGL) adds discrimination based on gender identity as an unlawful housing practice under the Virginia Fair Housing Law. The bill also defines "gender identity." Recommend support; Board has historically supported. (18103628D)

SB 423 (Wexton) (SGL) adds discrimination on the basis of an individual's sexual orientation or gender identity as an unlawful housing practice. The bill defines sexual orientation and gender identity. Recommend support; Board has historically supported. (18100962D)

Transportation

HB 464 (Carter) (HTRAN) clarifies the duties of vehicle drivers to stop to allow pedestrians to cross highways at (i) clearly marked crosswalks, whether at mid-block or at the end of any block; (ii) any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block; or (iii) any intersection when the driver is approaching on a highway where the maximum speed limit is not more than 35 miles per hour. The bill contains technical amendments. Recommend support; Board has historically supported. (18101658D)

HB 699 (Levine) (HRUL) provides that the tax that is imposed on the sales price of motor fuel in Northern Virginia shall be imposed on the regional price of gas, defined and computed as a six-month average price of fuel. The tax shall not be imposed on a regional price that is less than a gallon of gasoline on February 20, 2013, nor shall it be imposed a price that is more than \$4 per gallon. The bill also raises the rate of taxation of motor fuel in Northern Virginia from 2.1% to 3%. The bill also changes the regional gas tax in Hampton Roads from a percentage to a cents-per-gallon tax that decreases as the price of gas increases. The regional gas tax in Hampton Roads would have a floor of \$0.05 per gallon and a ceiling of \$0.14 per gallon and would be determined on the basis of the average wholesale price of unleaded regular gasoline. Recommend support; Board has historically supported. (18104463D)

OPPOSE

SB 336 (Peake) (SGL) requires that every public body afford an opportunity for public comment during any open meeting. The bill requires that the notice given by a public body prior to a meeting include information as to the approximate point during the meeting when public comment will be received. The bill permits public bodies to choose the approximate point during the meeting when

public comment will be received and permits public bodies to adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. Recommend oppose; Board has historically opposed. (18103103D)

SB 523 (Obenshain) (SFIN) requires electronic pollbooks to contain the photographs of registered voters that are obtained by the general registrars in the production of voter photo identification cards or contained in a voter's Department of Motor Vehicles record. The bill also provides that if the electronic pollbook contains the voter's photograph, the officer of election is required to access that photograph and the voter is not required to present one of the statutorily required forms of identification. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph. The bill has a delayed effective date of July 1, 2019. Recommend oppose; Board has historically opposed. (18103159D)

Immigration

HB 1257 (Cline) (HCT) provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. The General Assembly shall reduce state funding to the extent permitted by state and federal law to any locality found to have violated the provisions of the bill. Recommend oppose; Board has historically opposed. Scope of bill is significant and not well-defined. Requires local enforcement of federal laws that are currently permissive, and constitutes an unfunded mandate.

School Funding

HJ 91 (Webert) (HRUL) requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable real estate devoted to (a) agricultural use, (b) horticultural use, (c) forest use, and (d) open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the composite index of local ability to pay for each such locality after taking into consideration such use values. Recommend oppose; Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. (18101824D)

SB 537 (Hanger) (SEH) requires the General Assembly to modify the current standards of quality funding formula and calculation of composite index of local ability to pay to incorporate within the real estate indicator of local wealth the land-use assessment value for those properties located within a land-use plan. Recommend oppose; Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. (18100437D)

Transportation

HB 1292 (Hugo) (HTRAN) provides that prior to the adoption of or amendment to any comprehensive plan in Planning District 8 (Northern Virginia) or review of a proposed rezoning in Planning District 8, the Department of Transportation shall consider the transportation impact of the proposed plan or rezoning and name any transportation facility for which a reduction in the

level of service is anticipated as a result of the proposed plan or rezoning. Current law provides for such review for any transportation facility having a functional classification of minor arterial or higher for which an increase in traffic volume is expected to exceed the capacity of the facility as a result of the change. The bill requires that if the proposed comprehensive plan or rezoning is within Planning District 8, the locality shall propose one or more transportation projects in its local transportation plan, or within the regional transportation plan, to ensure no reduction of service to any transportation facility affected by the plan or rezoning. Recommend oppose; Board has historically opposed. (18103787D)

AMEND

HB 71 (Miyares) (HPE) provides for a referendum at the November 6, 2018, election to approve or reject an amendment to the real property tax exemption for a primary residence that is currently provided to the surviving spouses of veterans who had a one hundred percent service-connected, permanent, and total disability to allow the surviving spouse to move to a different principal place of residence. Similar real property tax exemptions provided in the Constitution of Virginia to (i) the surviving spouses of members of the armed forces killed in action and (ii) the surviving spouses of certain emergency services providers killed in the line of duty allow the surviving spouse to move to a different principal place of residence and still claim the tax exemption. Recommend amend to support as a state tax credit; Board has historically recommended amendment. (18100171D)

HJ 6 (Miyares) (HPE) provides that the real property tax exemption for the principal residence of the surviving spouse of a disabled military veteran applies without any restriction on the surviving spouse's moving to a different principal place of residence. Recommend amend to support as a state tax credit; Board has historically recommended amendment. (18100166D)

HB 565 (Gooditis) (HRUL) places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2019. Recommend amend to remove moratorium on installation of synthetic turf while a comprehensive study is conducted. Board has historically recommended amendment. (18100899D)

New Bills – 2018 GA

Administration of Government

HB 270 (Boysko) (HAG) authorizes localities to adopt ordinances prohibiting the sale in a pet shop of any dog or cat that was not obtained from a Virginia releasing agency or a nonprofit animal rescue organization. The bill provides that a violation of the ordinance shall be a Class 1 misdemeanor. Recommend support. (18102649D)

SB 588 (Ebbin) (SACNR) allows annual mixed beverage special events licenses to be issued to localities for use at museums or other facilities owned by the locality and used primarily for historic interpretation. Recommend amend to allow licenses for Park Authority facilities. (18103717D)

SB 613 (Surovell) (SCT) provides that when a local governing body is named as a deponent, it shall designate one or more members of such body to serve as a deponent on its behalf. The bill provides that such designee and his testimony shall be subject to all of the same duties, responsibilities, and consequences as a corporate or organizational deponent as determined by the rules of court. Recommend oppose. (18101221D)

SB 616 (Surovell) (SCT) provides that no person who is sued in a civil cause of action and who is immune from liability under Virginia law may claim such immunity if his actions that gave rise to the civil cause of action would otherwise be covered by an insurance policy. Recommend oppose. (18103488D)

Courts

HB 743 (Leftwich) (HCT)/**SB 525** (Obenshain) (SCT) increases or decreases the maximum number of judges in select judicial districts and circuits to reflect the number of authorized judgeships recommended by the Supreme Court of Virginia in the 2017 "Virginia Judicial Workload Assessment Report." Recommend support. (18101400D, 18101399D)

HB 996 (Gilbert) (HCT) requires the Department of Criminal Justice Services (Department) to annually review each pretrial services agency to determine compliance with its biennial plan and operating standards. Current law requires the Department to review each pretrial services agency periodically. The bill also requires the Department to report annually to the Governor and the General Assembly on the performance of each pretrial services agency. This bill is a recommendation of the Virginia State Crime Commission. Recommend support. (18103933D)

HB 997 (Gilbert) (HCT) repeals the Pretrial Services Act (§ 19.2-152.2 et seq.). The Act authorized the establishment of local pretrial services agencies that were intended to assist judicial officers in making bail determinations. The bill has a delayed effective date of July 1, 2019. Recommend oppose. (18103124D)

SB 224 (Petersen) (SCT) provides that any property seized shall be released to the owner or lienholder within one year from the date of seizure unless an information has been filed against the property or the attorney for the Commonwealth files a petition to stay the release of such

property. The bill provides that such petition shall allege that the property seized is an integral part of an investigation and that such property cannot be returned without jeopardizing such investigation. The bill provides that the owner or lienholder may file a response to the petition within 30 days of the filing of such petition and that, if a response is filed, the Commonwealth must prove by a preponderance of the evidence that the property is an integral part of an investigation. Recommend oppose; Legislation relates to pending litigation. (18101669D)

SJ 58 (Surovell) (SRUL) requests the Office of the Executive Secretary of the Supreme Court of Virginia to study the use and impact of law clerks on judicial workload and work product, including potential costs to the Commonwealth to provide funds for law clerks in all circuit courts. Recommend support. (18101458D)

Elections

HB 265 (Turpin) (HPE)/**HB 568** (Gooditis) (HPE) extends from 7:00 p.m. to 8:00 p.m. the time at which polls close on election day. The bill aligns candidate filing deadlines and party nomination deadlines with the closing of polls. The bill contains technical amendments. Recommend support with adequate state funding for implementation. (18103752D, 18101395D)

Absentee Voting

HB 57 (Herring) (HPE)/**HB 1072** (Heretick) (HPE)/**SB 114** (Locke) (SPE) allows for any registered voter to vote by absentee ballot in any election in which he is qualified to vote. The bill removes the current list of statutory reasons for which a person may be entitled to vote by absentee ballot and consolidates multiple sections relating to absentee voting by uniformed and overseas voters into one section and multiple sections related to absentee voting by persons with a disability into one section. Recommend support. (18100938D, 18103012D, 18101566D)

HB 92 (Sullivan) (HPE) entitles a person to vote absentee if he is unable to go in person to the polls on the day of the election because he is primarily and personally responsible for the care of an ill or disabled individual who is confined at home. Currently, such caregivers are entitled to vote absentee only if the ill or disabled individual who is confined at home is a family member of the caregiver. Recommend support. (18101186D)

HB 733 (Carr) (HPE)/**SB 136** (Howell) (SPE)/**SB 602** (Ebbin) (SPE) allows for any registered voter to vote by absentee ballot in person beginning on the twenty-first day prior to any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning on the forty-fifth day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail or in person prior to the twenty-first day before the election, including the application requirement and the list of statutory reasons for absentee voting. Recommend support with amendments to facilitate implementation. (18101802D, 18101090D, 18101803D)

SB 770 (Surovell) (SPE) provides that the alternative locations approved by the electoral boards for absentee voting in person prior to election day shall be in a public facility owned or leased by

the city, the county, or a town within the county, at which all records concerning the absentee voters, the absentee ballots, both voted and unvoted, and any voting equipment in use at the location are adequately protected and secured. Currently, the law limits the electoral boards to approving alternative locations only in public buildings. Recommend support with technical amendment to clarify that the required procedures for mailed absentee ballots do not apply to the procedures for absentee ballots cast in person. (18103486D)

Health

HB 791 (Pogge) (HED)/**SB 366** (Stuart) (SEH) excludes school nurse positions from requirements for student support positions and instead requires each local school board to employ at least one full-time equivalent school nurse position in each elementary school, middle school, and high school in the local school division or at least one full-time equivalent school nurse position per 550 students in grades kindergarten through 12. Recommend oppose; Potential fiscal impact to Fairfax County is \$35.9 million. (18101961D, 18100682D)

HB 887 (Orrock) (HHWI) provides that the adjustment or replacement of sewer lines, conveyance lines, distribution boxes, or header lines is considered maintenance of an onsite sewage system and thus does not require a permit. Under current law, adjustment and replacement of such equipment requires the system owner to obtain a permit. Recommend amend to allow County to continue local health inspections of onsite system repairs. (18101591D)

Human Services

HB 106 (Delaney) (HHWI) creates the Kinship Guardianship Assistance program (the program) to facilitate child placements with relatives and ensure permanency for children for whom adoption or being returned home are not appropriate permanency options. The bill sets forth eligibility criteria for the program, payment allowances to kinship guardians, and requirements for kinship guardianship assistance agreements. The bill also requires the Board of Social Services to promulgate regulations for the program. Recommend support. (18102122D)

HB 227 (Stolle) (HHWI) requires a circuit court, when determining whether an investigation by the director of the local department of social services should be required before a final order is entered to approve as an adoptive parent the spouse of a child's birth or adoptive parent, to consider the results of a national criminal history background check conducted on the prospective adoptive parent. Recommend monitor. (18102229D)

HB 696 (Poindexter) (HHWI) establishes a work requirement and an employment and training program for individuals receiving or applying to receive benefits through the food stamp program. Recommend monitor. (18103399D)

HB 886 (Stolle) (HHWI) requires the Board of Health to include in regulations governing hospitals a provision that requires every hospital that provides inpatient psychiatric services to establish a protocol that requires, for every refusal to admit a patient for whom there is a question of medical stability or medical appropriateness for admission due to toxicology results, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal

communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists. Recommend monitor. (18102884D)

HB 933 (Hope) (HCT) extends the time period for mandatory outpatient treatment for adults and juveniles from 90 days to 180 days. Recommend monitor. (18102530D)

Adult Protective Services

HB 850 (Peace) (HCT)/**SB 543** (Mason) (SCT) requires courts issuing an emergency order for adult protective services to (i) appoint, when applicable, a temporary conservator with responsibility and authority limited to managing the adult's estate and financial affairs related to the approved adult protective services until the expiration of the order and (ii) set the bond of the temporary guardian and the bond and surety, if any, of the temporary conservator. The bill allows the temporary conservator to petition the court to have the emergency order set aside or modified upon a substantial change in circumstances and requires the temporary conservator to submit to the court a report describing any services provided to the adult. Recommend support. (18101127D, 18101949D)

Child Protective Services

HB 150 (Bulova) (HHWI)/**SB 184** (Favola) (SRSS) requires local departments of social services to notify the appropriate school board without delay if the subject of a founded complaint of child abuse or neglect was, at the time of the investigation or the conduct that led to the report, an employee of a school division located within the Commonwealth. Currently, such reporting is only required if the subject of the complaint is an employee of a school division at the time the complaint is determined to be founded. Recommend monitor. (18101331D, 18101321D)

HB 196 (Bulova) (HHWI) provides that a person who appeals a determination by a local department of social services related to child abuse or neglect to a hearing officer designated by the Commissioner of Social Services may request a maximum of two extensions of the hearing upon a showing of compelling reasons to justify the extensions, which shall not exceed 90 days after the date on which the hearing was first scheduled to be held. Recommend monitor. (18101323D)

HB 389 (Keam) (HHWI)/**SB 183** (Favola) (SRSS) requires local departments of social services to notify the Superintendent of Public Instruction without delay when an individual holding a license issued by the Board of Education is the subject of a founded complaint of child abuse or neglect. Recommend monitor. (18101334D, 18101322D)

Land Use

HB 161 (Cole) (HCCT) adds general government facilities to those types of facilities that may be constructed pursuant to the power granted to service districts. Recommend support. (18101893D)

HB 640 (Boysko) (HCCT) provides that a locality's comprehensive plan shall include strategies to provide broadband infrastructure that is sufficient to meet the current and future needs of residents and businesses in the locality. In the preparation of a comprehensive plan, broadband infrastructure shall be included among the matters that the local planning commission shall survey and study. Recommend support. (18103572D)

HB 824 (Knight) (HGL) requires the City of Lexington to comply with various statutory provisions related to the short-term rental of property. Any business license that was illegally required by any ordinance in effect regulating short-term rentals shall be null and void, and any license taxes illegally collected for short-term rentals subject to any ordinance in effect shall be refunded. Any taxpayer who was illegally required to pay transient occupancy taxes for rental of real property for more than 30 days shall be refunded such payment. Any violations of this act by the City shall entitle a taxpayer who has been affected by the City's actions to recover a \$250 penalty per violation, with each such action by the City being a separate violation. Recommend monitor. (18102104D)

SB 208 (Stuart) (SLG) repeals provisions that limit existing impact fee authority to (i) localities that have established an urban transportation service district and (ii) areas outside of such service districts that are zoned for agricultural use and that are being subdivided for by-right residential development. The effect of the repeal will be to make the existing impact fee provisions available for use by any locality that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses. Recommend monitor. (18100268D)

SB 499 (Carrico) (SACNR) prohibits a restriction imposed by a conservation easement from being enforced against any occupied single-family dwelling structure, including any outbuilding, shed, barn, garage, or driveway, or the land lying immediately underneath any such structure, for the purposes of additions, repairs, or sale. The bill authorizes the owner of an interest in real property burdened by the easement to terminate such easement in the event of financial hardship. Such owner shall be liable to the Department of Taxation for the full amount of any land preservation tax credits claimed or transferred by the owner that are related to the easement and shall pay any legal fees associated with the termination of the easement. Until such payments are made, such conservation easement shall be considered perpetual in duration unless otherwise provided in the instrument creating it. Recommend oppose. (18101699D)

Eminent Domain

SB 278 (Petersen) (SCT) requires, upon final settlement or determination in an eminent domain proceeding, that any funds due to the land owner, whether such funds are in the possession of the court or are outstanding, shall be payable promptly to the land owner or to the land owner's attorney, if such land owner is represented by counsel. Recommend amend to allow for releases from secured lienholders prior to payment. (18104221D)

SB 809 (Petersen) (SCT) amends, in the definitions of "lost profits" and "business profit" for the purposes of eminent domain, the period for which lost profits are calculated to a period not to exceed three years from the later of (i) the date of valuation or (ii) the date the state agency or its contractor prevents the owner from using the land or any of the owner's other property rights are taken. Under current law, lost profits are calculated for a period not to exceed (a) three years from the date of valuation if less than the entire parcel of property is taken or (b) one year from the date of valuation if the entire parcel of property is taken. The bill specifies that the person claiming lost profits is entitled to compensation whether part of the property or the entire parcel of property is taken. The bill further specifies that if the owner is not named in the petition for condemnation, he may intervene in the proceeding and that proceedings to adjudicate lost profits may be bifurcated from the other proceedings to determine just compensation if the lost profits claim period will not expire until one year or later from the date of the filing of the petition for condemnation, but such bifurcation shall not prevent the entry of an order confirming indefeasible title to the land interests acquired by the condemning authority. Recommend oppose. (18104879D)

Wireless Communications Infrastructure

HB 606 (Gooditis) (HRUL)/**HB 656** (LaRock) (HRUL)/ **SB 166** (Black) (SRUL)/**SB 189** (Favola) (SRUL) directs the Virginia Department of Historic Resources to convene a stakeholder work group to study the efficiency of the review process as it is used in telecommunications projects with regard to Section 106 of the National Historic Preservation Act and the effects of certain projects upon historic properties in association with Federal Communications Commission applications and to report its findings to the General Assembly no later than November 1, 2018. Recommend support. (18104099D, 18103597D, 18101820D, 18102580D)

HB 1258 (Kilgore) (HLC)/**SB 405** (McDougle) (SCL) establishes parameters regarding applications for zoning approvals for certain wireless support structures. Applications for certain new wireless support structures that are 50 feet or less above ground level and for the co-location on an existing structure of a wireless facility that is not a small cell facility are exempt from requirements that they obtain a special exception, special use permit, or variance, though a locality may require administrative review for the issuance of any zoning permits or an acknowledgement that zoning approval is not required for such projects. Aspects of the zoning approval process addressed in this measure include periods for approval or disapproval of applications, a requirement that applications are deemed approved if not approved or disapproved within the applicable period; application fees; a prohibition against unreasonably discriminating between applicants and other wireless services providers, providers of telecommunications services, and nonpublic providers of cable television and electric services; and limits on the number of new wireless support structures that can be installed in a specific location. The measure also prohibits a locality, in its receiving, consideration, and processing of an application for zoning approval, from engaging in certain activities. Recommend oppose. (18102258D, 18101342D)

HB 1427 (Kilgore) (HLC)/**SB 823** (McDougle) (SCL) establishes an annual wireless support structure public rights-of-way use fee to be charged to wireless services providers and wireless infrastructure providers in connection with a permit for occupation and use of the public rights-of-way under the jurisdiction of the Department of Transportation (VDOT) or a locality for the construction of new wireless support structures. The amount of the use fee is (i) \$1,000 for any

wireless support structure at or below 50 feet in height; (ii) \$3,000 for any wireless support structure above 50 feet and at or below 120 feet in height; (iii) \$5,000 for any wireless support structure above 120 feet in height; and (iv) \$1 per square foot for any other equipment, shelter, or associated facilities constructed on the ground. The measure provides that the use fee amounts shall be adjusted every five years on the basis of inflation. The measure also provides that an existing agreement, contract, license, easement, or permit allowing the use of the public rights-of-way by a wireless services provider or wireless infrastructure provider may be enforced by VDOT or the locality only until the current term of the agreement, contract, license, easement, or permit expires. Recommend oppose. (18104250D, 18104616D)

Opioids

HB 1172 (Pillion) (HHWI) establishes the State Overdose Death Review Process Team to develop and implement processes to ensure that overdose deaths occurring in the Commonwealth are reviewed in a systematic way. The bill also authorizes the establishment of local or regional overdose death review process teams for the purpose of conducting contemporaneous reviews of local overdose deaths in order to develop interventions and strategies for prevention specific to the locality or region. Recommend support. (18102981D)

SB 399 (Lewis) (SEH) authorizes any county or city, or any combination of counties, cities, or counties and cities, to establish a local or regional drug overdose fatality review team for the purpose of (i) conducting contemporaneous reviews of local drug overdose deaths, (ii) promoting cooperation and coordination among agencies involved in investigations of drug overdose deaths or in providing services to surviving family members, (iii) developing an understanding of the causes and incidence of drug overdose deaths in the locality, (iv) developing plans for and recommending changes within the agencies represented on the local team to prevent drug overdose deaths, and (v) advising the Department of Health and other relevant state agencies on changes to law, policy, or practice to prevent overdose deaths. The bill authorizes a local or regional team to review the death of any person who resides in the Commonwealth and whose death was or is suspected to be due to drug overdose. A violation of the confidentiality of the review process is punishable as a Class 3 misdemeanor. Recommend support. (18101721D)

SB 436 (Wexton) (SEH) adds to Schedule I of the Drug Control Act a classification for fentanyl derivatives. Recommend support. (18101586D)

SB 757 (Sturtevant) (SEH) repeals the requirement for a certificate of public need for certain projects involving mental hospitals or psychiatric hospitals and intermediate care facilities established primarily for the medical, psychiatric, or psychological treatment and rehabilitation of individuals with substance abuse. The bill creates a new permitting process for such projects, exempted from the certificate of public need process, that requires the Commissioner of Health to issue a permit upon the agreement of the applicant to certain charity care conditions and quality of care standards. Recommend support. (18101914D)

SB 862 (Vogel) (SEH) requires that each pharmacy participate in a pharmacy drug disposal program in order to properly dispose of unwanted prescription drugs. Under current law, participation in such program is voluntary. Recommend support. (18104343D)

Taxation

HB 471 (Reid) (HLC) exempts new small businesses from (i) payment of unemployment, sales and use, and local license taxes and (ii) certain registration and reporting requirements with the State Corporation Commission. The bill defines an eligible business as any business that has its principal place of business in the Commonwealth, has not been in existence for more than five years, and has fewer than six employees or has paid less than \$5,000 for the purchase or lease of business personal property, including machinery and tools and merchants' capital, since its inception. Recommend oppose. (18103342D)

HB 786 (Keam) (HFIN) provides that on an appeal to court for relief from local taxes, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and on an appeal of the assessment of real or personal property that concerns an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving by a preponderance of the evidence that the assessment is correct. The bill also provides that an assessment constitutes manifest error if any one of three mistakes under current law was made. The bill contains technical amendments. Recommend oppose. (18101855D)

HB 787 (Keam) (HFIN) provides that (i) on appeal of a real property assessment to a board of equalization, the taxpayer shall not be required to show that the assessment is a result of manifest error or disregard of controlling evidence, and (ii) when the appeal involves an assessment of real property with an increase of more than 20 percent over the assessment for the same property for the prior tax year, except in cases of buildings constructed in the previous five years, the assessor shall have the burden of proving that the assessment is correct by a preponderance of the evidence. Recommend oppose. (18101856D)

HB 1051 (Watts) (HFIN) applies the communications sales and use tax to services related to the streaming of audio and visual data, and prepaid calling. The bill also clarifies that the tax applies to communications services regardless of whether customers are charged a subscription fee, a periodic fee, or an actual usage fee. Recommend support; Support for modernizing the communications sales and use tax is in the County's legislative program. (18102521D)

HJ 98 (Byron) (HRUL) requests the Department of Taxation to study and make recommendations on the appeals process for valuation of real and personal property of businesses. Recommend oppose. (18104018D)

Business Professional and Occupational Licenses (BPOL)

HB 966 (Davis) (HFIN) provides, for taxable years 2018 through 2022, a refundable credit against individual and corporate income taxes for a business's aggregate tax liability under the machinery and tools tax, the merchants' capital tax, and the business, professional, and occupational license (BPOL) tax. The bill imposes a sales tax on all services except business-to-business, educational, health care, and real estate services. The bill requires the Department of Taxation (the Department) to assert the Commonwealth's jurisdictional nexus to tax services to the maximum extent allowed by Virginia and federal law and requires any person that furnishes services valued at \$5,000 or

more during a calendar year to register with the Department as a dealer. The bill provides that food purchased for human consumption shall be exempt from state sales tax. Under current law, food purchased for human consumption is taxed at a reduced state rate of 1.5 percent and a local rate of 1 percent. The bill eliminates the lowest two income tax brackets by providing that, starting with taxable year 2019, there shall be no income tax imposed on income of \$5,000 or less. Recommend monitor. (18102193D)

Local Taxing Authority

SB 200 (Favola) (SLG) equalizes municipal taxing authority and county taxing authority by granting a county the same authority available to a municipality through the uniform charter powers. The bill has a delayed effective date of July 1, 2019, prior which to the Division of Legislative Services is directed to convene a working group to develop recommendations as to what additional legislative changes are needed to effectuate the provisions of the bill. Recommend support with amendment to address technical issues; support for equal taxing authority is in County's legislative program. (18101468D)

Transportation

HB 59 (Bell, John J.) (HTRAN) requires the Department of Transportation to employ practical design methods for any highway system project, including all projects costing more than \$5 million. "Practical design methods" are defined in the bill as practices that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility. Recommend oppose unless amended to ensure community input can be addressed. (18101179D)

HB 134 (Bell, John J.) (HTRAN) raises the minimum project cost requiring the use of value engineering from \$5 million to \$10 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. Recommend support. (18102443D with subcommittee amendments)

SB 117 (Favola) (STRAN)/**SB 125** (Black) (STRAN) raises the minimum project cost requiring the use of value engineering from \$5 million to \$15 million. The bill exempts projects that are designed utilizing (i) a design-build contract or (ii) the Public-Private Transportation Act of 1995 from the value engineering requirements. Recommend support. (18102577D, 18101812D)

HB 308 (Watts) (HTRAN) prohibits the driver of a motor vehicle from using a bicycle lane to pass or attempt to pass another vehicle. Recommend support. (18104182D)

HB 662 (Murphy) (HRUL) directs the Department of Transportation to complete the initial design and related assessments for remediating the American Legion Bridge and to submit the design and assessments in a report to the General Assembly in advance of the 2019 Regular Session. Support concept; amend to address implementation issues. (18103558D)

SB 623 (Surovell) (STRAN) requires the Department of Transportation to create and maintain an Electronic Routing Registry (the Registry) of highways where electronic routing of through traffic

is prohibited and provides the criteria for a highway to be eligible for placement on the Registry at the request of a locality. The bill requires that a digital routing provider remove a highway placed on the Registry from its routing algorithms within six months of such placement and provides that any digital routing provider who violates such requirement is subject to a \$500 civil penalty for each day it is in violation. Recommend support. (18104485D)

Distracted Driving

HB 116 (Webert) (HCT) authorizes any local governing body to adopt an ordinance prohibiting any person from driving a vehicle on any highway within the locality while failing to provide proper time and attention necessary for the safe operation of the vehicle where the manner of driving does not constitute reckless or improper driving. The bill provides that a violation of any such ordinance is punishable as a traffic infraction with a fine of not more than \$300. Recommend support. (18101083D)

HB 177 (Bell, Richard P.) (HCT) prohibits a vehicle operator from using his hands to use a handheld personal communications device while driving. Current law only prohibits the use of a handheld personal communications device for certain purposes while operating a moving vehicle. The bill exempts any person who is using a radio-based communications device during an emergency or disaster relief operation or who is using a handheld personal communications device to initiate or terminate a telephone call; the bill maintains the current exemptions for any person who is stopped or parked, emergency personnel, and reporting an emergency. The bill also prohibits any person, while operating a moving motor vehicle, to (i) have an animal on his lap, (ii) permit an animal to impede his free access to and use of vehicle controls, or (iii) obstruct his vision. Recommend support. (18101015D)

HB 180 (Collins) (HCT) expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purpose of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected. Recommend support; Board has historically supported. (18101408D)

SB 74 (Surovell) (Reported from STRAN) expands the prohibition on using a handheld personal communications device while operating a motor vehicle to all communications unless the device is specifically designed to allow voice and hands-free operation and the device is being used in that manner. Current law prohibits only the reading of an email or text message and manually entering letters or text in the device as a means of communicating. The bill expands the exemptions to include handheld personal communications devices that are used (i) for navigation or generating audio transmissions when the device is physically mounted to the vehicle, (ii) as an amateur radio or citizens band radio, (iii) by an operator who activates, deactivates, or initiates a factory-installed

feature or function on the vehicle, (iv) by an operator of a Department of Transportation vehicle or vehicle operated pursuant to the Department of Transportation safety service patrol program during the performance of traffic incident management services, or (v) in response to an emergency. Recommend support. (18105161D-S1)

Gas Tax

HB 668 (Kilgore) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. The also allocates \$40 million annually from the Priority Transportation Fund, after making any required debt service payments, to each of the Salem highway construction district and the Bristol highway construction district. Of the \$40 million allocated to the Bristol highway construction district, \$30 million each year shall be designated for the construction and completion of U.S. Route 121, the Coalfields Expressway. Recommend oppose unless amended to remove direct allocation to certain transportation districts. (18104460D)

HB 768 (Jones) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. Recommend support; Support for gas tax floor is in Legislative Program. (18102993D)

HB 917 (Stolle) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. Recommend support. (18102733D)

HB 970 (Guzman) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. Recommend support. (18102548D)

HB 1083 (Filler-Corn) (HRUL) provides that the 2.1% tax that is imposed on the sales price of motor fuel in Northern Virginia and Hampton Roads shall be imposed on the regional price of gas,

defined and computed as the six-month average price of fuel, for each region. The regional price used to calculate the tax shall not be less than the average statewide price of a gallon of unleaded regular gasoline on February 20, 2013. Recommend support. (18104751D)

HB 1352 (Thomas) (HRUL) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads. The average wholesale price of gasoline, as determined by the Commissioner of the Department of Motor Vehicles, on July 1, 2018, shall be the initial floor. If the average wholesale price rises in future determinations, the new higher average will become the floor, until such time as the average wholesale price of gasoline is determined to be equal to or greater than the average wholesale price of gasoline in the Commonwealth on February 20, 2013, which is the date of the floor used for the calculation of the state gasoline tax. After this threshold is met, the average wholesale price used for the calculation of the regional tax will be the same as the average price used to calculate the state tax. Recommend support. (18104418D)

SB 393 (Barker) (SFIN) establishes a floor on the 2.1 percent sales tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by requiring that the average wholesale price upon which the tax is based be no less than the statewide average wholesale price on February 20, 2013. Recommend support. (18103710D)

I-66 Express Lanes

HB 1256 (Hugo) (HTRAN) sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes. Recommend oppose. (18103655D)

HB 1284 (Hugo) (HTRAN) allows vehicles bearing clean special fuel license plates issued before July 1, 2011, to use the HOT lanes on Interstate 66 inside the beltway if the vehicle is equipped with an E-ZPass Flex transponder. The bill contains an emergency clause. Recommend oppose. (18103649D)

HB 1291 (Hugo) (HTRAN) directs the Secretary of Transportation to renegotiate the agreement governing transportation facilities on Interstate 66 outside the Capital Beltway in an effort to coordinate tolling inside and outside the Capital Beltway once the tolling facilities outside the Capital Beltway are established. Recommend oppose. (18104505D)

HB 1417 (Bulova) (HTRAN) sets the operating hours for HOT lanes on Interstate 66 inside the Beltway from 6:30 a.m. to 9:00 a.m. on the eastbound lanes and from 4:00 p.m. to 6:30 p.m. on the westbound lanes. Recommend oppose. (18104045D)

Smart Scale

HB 72 (Thomas) (HTRAN)/**SB 207** (Stuart) requires the total cost of a transportation project to be considered in evaluating projects under the statewide prioritization process. The bill requires the Commonwealth Transportation Board to evaluate congestion mitigation on the basis of total traffic volumes, not just traffic volumes during weekdays. The bill imposes restrictions on projects

receiving funding from the High Priority Projects Program that are evaluated under the statewide prioritization process. Recommend oppose. (18102019D, 18100222D)

HB 103 (Cole) (HTRAN) directs the Department of Transportation to immediately commence a transportation project to add an additional lane of travel to that portion of Interstate 95 between Exit 126 in Spotsylvania County and Interstate 495 in both the north-bound and south-bound directions. Recommend oppose because it circumvents the Smart Scale process. (18101688D)

HB 1263 (Kilgore) (HTRAN) provides that for the purposes of prioritizing projects in the Bristol Highway Construction District or the Salem Highway Construction District, the Commonwealth Transportation Board (Board) shall consider (i) the relative importance of secondary highways in such districts and (ii) only the following other factors: economic development, accessibility, and safety. Current law requires the Board to consider congestion mitigation, economic development, accessibility, safety, and environmental quality when prioritizing projects in all districts. Recommend oppose; limiting scoring to certain factors will fundamentally change Smart Scale. (18104177D)

Environment

HB 922 (Bulova) (HGL) authorizes any locality or public institution of higher education, or the Department of Conservation and Recreation, to locate and operate a retail fee-based electric vehicle charging station on property such entity owns or leases. The bill requires that the use of a retail fee-based electric vehicle charging station on property owned or leased by a locality be restricted to employees of the locality and authorized visitors and that such station be accompanied by appropriate signage that provides reasonable notice of such restriction. The bill exempts such a locality, public institution of higher education, or the Department of Conservation and Recreation from being considered a public utility solely because of the sale of electric vehicle charging service or the ownership or operation of an electric vehicle charging station and further exempts such service from constituting the retail sale of electricity. Recommend support. (18104708D)

SB 218 (Lewis) (Passed Senate) defines "beneficial use," "beneficiation facility," and "recycling center" and provides that a beneficiation facility or recycling center shall be considered a manufacturer for the purpose of any state or local economic development incentive grant. The bill directs the Department of Environmental Quality (the Department) to encourage and support beneficial use; current law requires the Department to encourage and support litter control and recycling. The bill also directs the Department to provide to the General Assembly by November 1, 2019, an evaluation of Virginia's solid waste recycling rates and a set of recommendations for improving the reliability of the supply of recycled materials during the next 10 years in order to provide for beneficial use. Recommend monitor. (18104926D-S1)

Solar Facilities

HB 508 (Hodges) (HCCT)/**SB 429** (Stanley) (SLG) provides that a property owner may install a solar facility on the roof of a dwelling or other building to serve the electricity or thermal needs of that dwelling or building, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provisions

pertaining to any local historic district. Unless a local ordinance provides otherwise, a ground-mounted solar energy generation facility shall also be permitted, provided that such installation is in compliance with any height and setback requirements in the zoning district where such property is located as well as any provision pertaining to any local historic district. Any other proposed solar facility, including any solar facility that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located, shall be subject to any applicable zoning regulations of the locality. Recommend monitor. (18103843D, 18104541D)

HB 509 (Hodges) (HCCT)/**SB 179** (Stanley) (SLG) provides that a solar facility subject to provisions requiring the facility to be substantially in accord with a locality's comprehensive plan shall be deemed to be substantially in accord with the comprehensive plan if (i) such proposed solar facility is located in a zoning district that allows such solar facilities by right, (ii) such proposed solar facility is designed to serve the electricity or thermal needs of the property upon which such facility is located, or will be owned or operated by an eligible customer-generator or eligible agricultural customer-generator under § 56-594 or by a small agricultural generator under § 56-594.2, or (iii) such solar facility is advertised and approved concurrently in a public hearing process with a rezoning, special exception, or other approval process. Recommend monitor. (18103844D, 18103842D)

Stormwater

HB 1004 (Byron) (HAG)/**SB 367** (Newman) (SLG) provides that localities shall provide for full waivers of certain stormwater charges for public use airport runways and taxiways. Recommend oppose. (18100851D, 18100804D)

Water Quality

SB 766 (Surovell) (SACNR) authorizes the Department of Environmental Quality (the Department) to use certain results of citizen water quality testing as evidence in enforcement actions. Such evidence is currently prohibited. The bill also directs the Department to consider in some cases data collected by a citizen group, regardless of whether the data conforms to the requirements set out in the Code of Virginia. Recommend amend to ensure that data considered in regulatory actions conforms to the standards of quality and methods set forth in the Code and other applicable law. (18104064D)

K-12 Funding Studies

HJ 70 (Bloxom) (HRUL)/**HJ 115** (LaRock) (HRUL)/**SJ 29** (Spruill) (SRUL)/**SJ 56** (Sturtevant) (SRUL) directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the costs to implement the Standards of Quality. Recommend support; Fairfax County's Legislative Program includes support for adequate K-12 education funding. (18103694D, 18103648D, 18102145D, 18101324D)

HJ 112 (Rodman) (HRUL) requests that the Secretary of Education study the requirements for the full funding of the Standards of Quality by establishing a work group consisting of interested stakeholders to review the current methods and formulae that the General Assembly utilizes to fund the Standards of Quality, with a particular focus on any adjustments or additional funding required to provide free public education to low-income students, students who receive special education, and English language learners. Recommend support; Fairfax County's Legislative Program includes support for adequate K-12 education funding. (18103693D)

HJ 126 (Caroll Foy) (HRUL) directs the Joint Legislative Audit and Review Commission to study the true cost of education in the Commonwealth and provide an accurate assessment of the funds necessary to fully implement the Standards of Quality. Recommend support; Fairfax County's Legislative Program includes support for adequate K-12 education funding. (18104123D)

Procurement

SB 312 (Edwards) (SGL) provides that construction performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as construction, notwithstanding any reference to "construction" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure also provides that professional services, such as engineering, performed in creating a good or service pursuant to a solar services agreement, solar power purchase agreement, or solar self-generation agreement shall not be defined as a professional service, notwithstanding any reference to "professional services" in a request for proposal for a solar services agreement, solar power purchase agreement, or solar self-generation agreement. The measure authorizes any contracting entity to purchase services under a solar services agreement, solar power purchase agreement, or solar self-generation agreement entered into by another contracting entity, even if it did not participate in the request for proposals, if the request for proposals specified that the procurement was being conducted on behalf of other contracting entities. The measure specifies that project agreements for power purchase agreements that reference a master solar power purchase agreement, whether or not the master power purchase agreement is still in effect, shall be binding and effective stand-alone agreements for as long as the life of the project agreements, and may be used by a contracting entity to purchase services under a cooperative procurement agreement. The measure has a delayed effective date of January 1, 2019. Recommend support. (18104236D)

Public Safety/ Criminal Justice

HB 307 (Watts) (HCT) provides that no seller or person acting for him shall remain upon the land, buildings, or premises of another in order to make or attempt to make a home solicitation sale to any person that he knows or reasonably should know resides in a dwelling unit located upon such land, buildings, or premises that has been posted with a no soliciting sign. A violation of this provision is punishable as a Class 1 misdemeanor. Recommend support. (18104253D)

SB 495 (Carrico) (SFIN) creates the Deputy Sheriff Supplemental Salary Fund to provide funds for qualified localities to supplement the salaries of deputy sheriffs. Twenty percent of local fines

generated by a local sheriff's office would be transferred by the circuit court clerk to the Fund to pay for such supplements. Recommend oppose. (18100666D)

SB 497 (Carrico) (SCT) provides that the person in charge of any public building, place, conveyance, meeting, operation, or activity may detain any person who engages in disorderly conduct for a period not to exceed one hour pending arrival of a law-enforcement officer. Recommend monitor. (18101055D)

IV. Legislation Provided for Discussion

Proffers

HB 89 (Bell, John J.) (HCCT) exempts onsite proffers related to affordable dwelling units from provisions that determine whether a proffer is unreasonable. (18101180D)

HB 163 (Ware) (HCCT)/**SB 458** (Peake) (SLG) authorizes a locality to base its assessment of a public facility's capacity on the projected impacts specifically attributable to previously approved residential developments, or portions thereof, that have not yet been completed when determining whether a proffer is unreasonable. The bill also removes language prohibiting a locality from accepting any unreasonable proffer; language prohibiting a locality from requesting any unreasonable proffer is retained. (18101462D, 18104595D)

HB 1446 (Sickles) (HCCT) conditional rezoning proffers; exempts urban county executive form of government. (18105323D)

SB 469 (Reeves) (SLG) removes restrictions on the types of proffers a locality may request or accept in connection with a rezoning or proffer condition amendment as a condition of approval of a new residential development or residential use. The bill removes a restriction on denying an application on the basis of a failure or refusal to submit an unreasonable proffer or proffer condition amendment. The bill also removes a requirement that a proffer be made only when the new development will create a need in excess of the existing public facility capacity. The bill removes the requirement that a court hearing the appeal of a rezoning or amendment to an existing proffer action presume, absent clear and convincing evidence to the contrary, that the initial refusal or failure to submit an unreasonable proffer was the controlling basis for the denial of the application when the applicant can show by a preponderance of the evidence that it refused or failed to submit an unreasonable proffer. The bill removes the right of an applicant appealing a rezoning or amendment to an existing proffer action to recover reasonable attorney fees and costs. The bill removes a requirement that a reviewing court remand the action with a direction to approve the rezoning or proffer condition amendment. The bill eliminates an exception to proffer restrictions for a new residential development or residential use in a small area comprehensive plan. (18100807D)

SJ 13 (Black) (SRUL) establishes a joint committee of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns to study the 2016 conditional rezoning proffer reform bill. In conducting its study, the joint committee is directed to gather information and develop recommendations on the impact that the 2016 proffer reform bill has had on development, including: (i) data regarding the growth, decline, or stagnation in the number, size, scale, or monetary value of development projects in the Commonwealth; (ii) new or revised policies, guidance, and practices adopted by localities regarding negotiations with developers; (iii) litigation, decisions of local boards of appeals, and other justiciable matters that have arisen from, or been directed at the proffer reform bill; and (iv) any other result, consequence, or impact the proffer reform bill has had on development in the Commonwealth. The joint committee shall invite developers, localities, and other stakeholders to participate in the study. (18101228D)

Public Safety/Criminal Justice

Service of Process

SB 14 (Petersen) (SCT) removes the requirement that in an action against a supervisor, county officer, employee, or agent of the county, each member of the county board be served; instead, only the county attorney, or the clerk of the county board if there is no county attorney, and the defendant need to be served. (18100550D)

Passing School Buses

HB 219 (Morefield) (HCT) requires that any person who fails to stop his vehicle and remain stopped when approaching, from any direction, a school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging passengers, and as the sole and proximate result of his reckless driving causes the serious injury or death of another, is guilty of a Class 5 felony. (18103054D)

SB 381 (Chafin) (SCT) provides that any person who unlawfully passes a stopped school bus while driving a motor vehicle and causes serious bodily injury to another person is guilty of a Class 5 felony. (18100710D)

HB 492 (LaRock) (HCT)/**SB 805** (Carrico) (STRAN) provides that the imposition of a civil penalty for passing a stopped school bus shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. (18103682D, 18104568D)

HB 1289 (Guzman) (HTRAN) provides that a summons for a violation of a local ordinance prohibiting passing a stopped school bus shall be on a form provided by the Office of the Executive Secretary of the Supreme Court. The bill provides that any penalty imposed under such ordinance will not be reported to the Department of Motor Vehicles or made part of the operator's driving record. The bill provides that any such ordinance adopted by a county applies to infractions that occur in a town located within the county for which the county provides the public school system. (18100924D)

SB 700 (Deeds) (STRAN) authorizes the Department of Motor Vehicles to release vehicle owner data of a vehicle that failed to stop for a stopped school bus upon request of a video-monitoring system operator or upon request of the authorized agent or employee of a video-monitoring system operator. (18102265D)

Resident Stickers

HB 295 (Murphy) (HCCT)/**SB 839** (Favola) (SLG) allows counties by ordinance to develop a program to issue permits to residents of a designated area that will allow such residents to make turns into or out of the neighborhood during certain times of the day where such turns would otherwise be restricted. (18103592D)

Taxation/Devolution

HB 302 (Watts) (HCCT) grants counties with a population greater than 100,000 certain powers of cities and towns, including taxation, borrowing, and payments for highway maintenance. Currently, such powers are generally granted to cities and towns only. (18102516D)

Transportation

SB 683 (Stuart) (SFIN) establishes the Commuter Rail Operating and Capital Fund to be used by the Director of the Department of Rail and Public Transportation, with the approval of the Commonwealth Transportation Board, on projects that expand and improve commuter rail service. (18102474D)

Washington Metropolitan Area Transit Authority

HB 1319 (Sullivan) (HRUL)/**SB 856** (Saslaw) (SFIN) makes numerous changes to the administration of and revenues for mass transit in the Commonwealth, specifically as it relates to the membership and funding of the Washington Metropolitan Area Transit Authority, the disbursement of funds in the Commonwealth Mass Transit Fund, and the authority of the Commonwealth Transportation Board to issue bonds for transit capital. The bill sets a floor on the average price of fuel used to calculate the regional motor sales tax as the price of gas on February 20, 2013, the same floor that is used to calculate the state fuels tax. The bill also raises the regional congestion relief fee and the regional transient occupancy tax in the Northern Virginia region to raise additional revenues for mass transit. (18101814D, 18101813D)

Utility Undergrounding

SB 622 (Surovell) (SLG) provides that if the adopted local transportation plan designates corridors planned to be served by mass transit, a portion of its allocation from the secondary system road construction program may be used for the purpose of utility undergrounding in the planned corridor, if the locality matches 100 percent of the state allocation. (18104532D)